



200 W. Baltimore Street
Baltimore, MD 21201
Nancy S. Grasmick
State Superintendent of Schools

INFORMAL KINSHIP CARE

Fact Sheet

84

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What is informal kinship care?

Informal kinship care refers to a living arrangement in which a relative of a child, who is not in the care, custody, or guardianship of the local department of social services, provides for the care and custody of the child due to a serious family hardship. The relative must provide care for the child 24 hours a day, seven days a week.

Who is considered a relative?

A relative means an adult related to the child by blood or marriage within the fifth degree of consanguinity.

What constitutes a serious family hardship?

A serious family hardship means one of the following has occurred to the parent or legal guardian of the child: death, serious illness, drug addiction, incarceration, abandonment of the child, or assignment to active military duty.

Is there a domicile requirement?

Yes. The law applies to a child who is a resident of the State of Maryland prior to going into informal kinship care. The informal kinship care must be provided in a school attendance area other than the school attendance area where the child is domiciled with the child's parent or legal guardian.

What does the regulation say about the affidavit that must accompany the request of informal kinship care?

The affidavit is a document verifying the truth of information provided to school officials. The law requires the affidavit to be in a specified format. The initial affidavit may be filed with the school system at the time of enrollment. If the student remains in informal kinship care, the relative must annually file a new affidavit at least two weeks prior to the start of the school year. Although the affidavit does not need to be notarized, the person signing the affidavit does so under the penalties of perjury.

What type of documentation should be provided with the affidavit?

Verifying documentation should be provided with the affidavit. Documentation can include the following: copy of death certificate; medical documentation from doctor; documentation from treatment provider or parent; documentation from legal system or detention center; notarized statements from all legal guardians; documentation from court, social services, etc.; and a copy of military orders. Other forms of proof may be acceptable.

The telephone number and address of any authority that is legally authorized to reveal information that can verify the affidavit statements should be provided where possible.

Where can a relative obtain an affidavit?

The affidavit must be made available at the local board of education, department of social services, and the local office on aging.

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May a school system ask the reasons why the other parent is unable to care for the child applying for informal kinship care?

No. The law does not require both parents to be unavailable. Rather, it requires the child to be living with a relative who provides for the care and custody of that child due to a serious family hardship.

Must the required documentation be provided at the time the affidavit is completed?

Ideally, the affidavit and supporting documentation should be provided to the school system at the time of enrollment. If this does not occur, the school system should enroll the child in school pending receipt of the necessary information. Thirty days is a reasonable amount of time to wait for the information before charging tuition.

How can both the caregiver and the parent make educational decisions?

The law indicates that a parent or legal guardian has final decision-making authority regarding the educational needs of the child. The law also states “the relative providing informal kinship care shall make the full range of educational decisions for the child.” If a problem arises, each local jurisdiction needs to develop a process for resolution.

What happens if a change occurs in the kinship care relationship?

If a change occurs in the serious family hardship of the child, the relative providing the kinship care is required to notify the local school system in writing within 30 days of the change.

Is there a penalty for fraud?

Yes. The penalty for fraud is three times the pro rata share of tuition for the time the child fraudulently attends a public school in the county.

Where can I get additional information?

For additional information, contact Student Services and Alternative Programs Branch, Division of Student, Family, and School Support, Maryland State Department of Education at 410-767-0311.